

Form PTO-1390

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

INTERNATIONAL APPLICATION NO.

PCT/US2004/011003

INTERNATIONAL FILING DATE

9 April 2004EXPRESS MAIL LABEL NO.: **EV 915326564 US**ATTORNEY'S DOCKET NUMBER: **21101.0040U2**

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

10/552,568

PRIORITY DATE CLAIMED

9 April 2003

TITLE OF INVENTION:

COMPOSITIONS AND METHODS RELATED TO PRODUCTION OF ERYTHROPOIETIN

APPLICANT(S) FOR DO/EO/US:

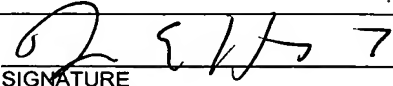
KISHORE, Bellamkonda K., et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected (Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A preliminary amendment.
14. ☐ An Application Data Sheet under 37 CFR 1.76.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821-1.825. The contents of the paper copy and the computer-readable form of the Sequence Listing submitted herewith are the same and include no new matter, as required by 37 C.F.R. 1.821(f).
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. Other items or information:

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/US2004/011003		ATTORNEY DOCKET NUMBER 21101.0040U2	
The following fees have been submitted				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee\$300.00				\$ 0.00	
22. <input checked="" type="checkbox"/> Examination fee If written opinion prepared by ISA/US or the IPER prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)\$ 0.00 All other situations\$200.00				\$ 0.00	
23. <input checked="" type="checkbox"/> Search Fee If written opinion prepared by ISA/US or the IPER prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)\$ 0.00 If Search fee (37 CFR 1.445(a)(2) in International Application to USPTO as ISA.....\$100.00 ISR prepared by an ISA other than the US and provided to USPTO.....\$400.00 All other situations\$500.00				\$ 0.00	
TOTAL OF 21, 22 AND 23 =				\$ 0.00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	No. of each additional 50 or fraction thereof (round up to a whole number)	RATE		
121 - 100	1 / 50 =	1	X \$250	\$ 0.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =	*****	X \$50.00	\$ 0.00	
Independent claims	- 3 =	*****	X \$200.00	\$ 0.00	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360.00	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$130.00	
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2 -				\$65.00	
SUBTOTAL =				\$65.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 months <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)). +				\$0.00	
TOTAL NATIONAL FEE =				\$65.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) \$40.00 per property +				\$0.00	
TOTAL FEES ENCLOSED =				\$65.00	
08/07/2006 ATRAN1 00000121 10552568 01 FC:2617 65.00 DP				Amount to be refunded:	\$
				charged:	\$
a. <input type="checkbox"/> A check in the amount of \$_____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No.14-0629 in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional basic, search or examination fees, which may be required, or credit any overpayment to Deposit Account No. 14-0629. A duplicate copy of this sheet is enclosed. d. <input checked="" type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. e. <input checked="" type="checkbox"/> Pursuant to 37 C.F.R. §1.136(a)(3), the Commissioner is hereby requested and authorized to treat any concurrent or future reply in the above-identified application, requiring a petition for an extension of time for its timely submission, as incorporating a petition for extension of time for the appropriate length of time.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b) must be filed and granted to restore the application to pending status.					
SEND ALL TO THE ADDRESS ASSOCIATED WITH: : Customer No. 23859				 SIGNATURE HUIZENGA, David E. NAME 49.026 REGISTRATION NUMBER	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
)	
Bellamkonda Kishore, <i>et al.</i>)	
)	
U.S. Application No. 10/552,568)	Art Unit: Unassigned
)	
Int'l. Filing Date: April 9, 2004)	Examiner: Unassigned
)	
For: "COMPOSITIONS AND METHODS)	Confirmation No.: 2536
RELATED TO PRODUCTION OF)	
ERYTHROPOIETIN")	

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS TRANSMITTAL

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NEEDLE & ROSENBERG, P.C.
Customer Number 23859

Sir:

In response to the Notification of Missing Requirements under 35 U.S.C. §371 in the United States Designated/Elected Office dated June 2, 2006 regarding the above-referenced patent application, enclosed are:

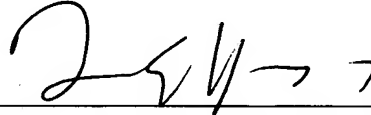
1. A copy of the Notification of Missing Requirements under 35 U.S.C. §371 in the United States Designated/Elected Office;
2. Surcharge in the amount of \$65.00 for late filing of the declaration for a small entity pursuant to 37 C.F.R. §1.16(f);
3. An executed Declaration and Power of Attorney for Patent Application;
4. A Sequence Listing Statement;
5. A paper copy of the Sequence Listing; and
6. A copy of the Sequence Listing in Computer-Readable Format.

A Credit Card Payment Form PTO-2038 authorizing payment in the amount of \$65.00, representing \$65.00 for the surcharge for late filing of the declaration pursuant to 37 C.F.R. §1.16(f). This amount is believed to be correct; however, the Commissioner is hereby

authorized to charge any additional fees which may be required, or credit any overpayment to
Deposit Account No. 14-0629.

Respectfully submitted,

NEEDLE & ROSENBERG, P.C.

A handwritten signature in black ink, appearing to read 'D. Huizenga', written over a horizontal line.

David E. Huizenga, Reg. No. 49,026

NEEDLE & ROSENBERG, P.C.
Customer Number 23859
(678) 420-9300 (telephone)
(678) 420-9301 (facsimile)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/552,568	Bellamkonda Kishore	21101.0040U2

INTERNATIONAL APPLICATION NO.

PCT/US04/11003

I.A. FILING DATE	PRIORITY DATE
04/09/2004	04/09/2003

23859
 NEEDLE & ROSENBERG, P.C.
 SUITE 1000
 999 PEACHTREE STREET
 ATLANTA, GA 30309-3915

CONFIRMATION NO. 2536

371 FORMALITIES LETTER



OC000000019056982

Date Mailed: 06/02/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 10/11/2005
- Copy of the International Search Report filed on 10/11/2005
- Information Disclosure Statements filed on 10/11/2005
- U.S. Basic National Fees filed on 10/11/2005
- Priority Documents filed on 10/11/2005
- Specification filed on 10/11/2005
- Claims filed on 10/11/2005
- Abstracts filed on 10/11/2005
- Drawings filed on 10/11/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Needle & Rosenberg	
By: <u>AMR</u>	Date: <u>2-9-06</u>
Reviewed	Name/Date
Scanned	

RECEIVED
 HAN/DEN/SDH/CCR/32

JUN 09 2006

NEEDLE & ROSENBERG

Total additional fees required for this application is **\$65** for a Small Entity:

- **\$65 Surcharge.**
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", **as well as an amendment specifically directing its entry into the application.** Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.
- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (571) 272-0951
- For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.
- Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/552,568	PCT/US04/11003	21101.0040U2

FORM PCT/DO/EO/905 (371 Formalities Notice)